THE KHYBER PAKHTUNKHWA UNIVERSITIES ACT, 2012
(KHYBER PAKHTUNKHWA ACT NO. X OF 2012)

(First published after having received the assent of the Governor of the Khyber Pakhtunkhwa in the Gazette of the Khyber Pakhtunkhwa (Extraordinary), dated the 18th May, 2012)

AN ACT
to reconstitute and reorganize the Universities established or to be established by the Government of the Khyber Pakhtunkhwa.

WHEREAS it is expedient to reconstitute and reorganize the Universities established or to be established by the Government of the Khyber Pakhtunkhwa to further improve their governance and management by ensuring accountability, transparency and giving due representation to all stakeholders in decision making, so as to enhance the quality of higher education in the Province of the Khyber Pakhtunkhwa.

It is hereby enacted as follows:

CHAPTER -I
PRELIMINARY

1. Short title, application and commencement.---(1) This Act may be called the Khyber Pakhtunkhwa Universities Act, 2012.

(2) The provisions of this Act shall come into force with respect to the Universities listed in the Schedule on such date as may be specified by Government by notifications published in the official Gazette as the date of repeal of the Act or Ordinance constituting each of the University specified in the Schedule.
(3) This Act shall apply to all Universities established by Government after the commencement of this Act.

2. **Definitions.**—In this Act, unless the context otherwise requires, the following expression, shall have the meanings hereby respectively assigned to them, that is to say,—

(a) “Academic Council” means the Academic Council of the University;

(b) “affiliated college” or “affiliated institution” means a college or institution affiliated to the University, but not maintained or administered by it;

(c) “Authority” means any of the Authorities of the University specified in section 18;

(d) “Chairperson” means the head of a Teaching Department;

(e) “Chancellor” means the Chancellor of the University;

(f) “college” means a constituent college or an affiliated college;

(g) “Commission” means the Higher Education Commission set up by the Higher Education Commission Ordinance, 2002 (LIII of 2002);

(h) “constituent college” or “constituent institution” means a college or institution, maintained and administered by the University;

(i) “Dean” means the head of a Faculty;

(j) “Director” means the head of an institute established as constituent institution by the University by Statutes or Regulations in terms of the powers delegated by this Act;

(k) “Faculty” means an administrative and academic unit of the University consisting of one or more Teaching Departments, as prescribed;

(l) “Government” means the Government of the Khyber Pakhtunkhwa;

(m) “Institution” means a constituent institution or an affiliated institution;

(n) “Officer” means an Officer of the University;

(o) “prescribed” means prescribed by Statutes, Regulations or Rules made under this Act;

(p) “Principal” means the head of a college;

(q) “Pro-Chancellor” means Pro-Chancellor of the University;

(r) “Professor Emeritus” and “Honorary Professor” means a retired Professor working in a Faculty in the capacity of an Emeritus or Honorary Professor;
"Search Committee" means the Search Committee set up by the Chancellor under sub-section (2) of section 12;

"Senate" means the Senate of the University;

"Statutes", "Regulations" and "Rules" mean respectively the Statutes, Regulations and Rules made under this Act;

" Syndicate" means the Syndicate of the University;

"Teaching Department" means a Teaching Department maintained and administered, or recognized by the University in the manner prescribed;

"Teachers" include Professors, Associate Professors, Assistant Professors, Lecturers and Research staff engaged whole time by the University for teaching degree, honours or post-graduate classes, and such other persons as may be declared to be teachers by the Regulations;

"University" means any University specified in the Schedule to which this Act has been made applicable through notification in the official Gazette or any other university which is added in the list of universities mentioned in the Schedule; and

"Vice-Chancellor" means the Vice-Chancellor of the University.

CHAPTER II
THE UNIVERSITY

3. Establishment and Incorporation of the University.—(1) The universities listed in the Schedule shall, from the dates of publication in the official Gazette of notifications in this behalf, stand reconstituted in accordance with the provisions of this Act.

(2) The Government may set up such universities as are considered appropriate by making an amendment in the Schedule through appropriate legislation and the provisions of this Act shall apply to each University set up after the commencement of this Act.

(3) The University shall consist of-

(a) the Chancellor, the Pro-Chancellor, the Vice-Chancellor, the members of the Senate, the Deans, the Principals of the constituent colleges, the Directors, the Chairperson, the Registrar, the Controller of Examination, the Treasurer, the Teachers and students of the University, the Librarian, the Auditor and such other officers as may be prescribed; and

(b) the members of the Syndicate, the Academic Council, Board of Studies, the Board of Faculties, constituent colleges, constituent institutions and other Authorities of the University.

(4) The University shall be a body corporate by such name as may be notified and shall have perpetual succession and a common seal, and may sue and be sued by the existing name:

Provided that universities set up prior to the commencement date shall, continue to be described by the existing names unless changed in accordance with any law for the time being in force.
(5) The University shall be competent to acquire and hold property, both movable and immovable, and to lease, sell or otherwise transfer any movable or immovable property which may have become vested in or been acquired by it.

(6) Notwithstanding anything contained in any other law for the time being in force, the University shall have academic, financial and administrative autonomy, including the powers to employ Officers, Teachers and other employees on such terms and conditions as may be prescribed.

(7) All properties, rights and interests of whatever kind, used, enjoyed, possessed, owned or vested in or held in trust by or for any of the universities listed in the Schedule and liabilities legally subsisting against such universities shall pass to the University reconstituted under this Act.

4. **Jurisdiction of the University.**—The University shall exercise the powers conferred on it by or under the Act within the territorial limits or technical limits, as the case may be, shall be notified by Government from time to time:

Provided that Government may, by general or special order, modify scope of the aforesaid powers of the University with regards to the territorial limits or technical limits:

Provided further that the University may admit to its privileges, under prescribed conditions, colleges or postgraduate institutions, within the territorial limits of other University, whether inside or outside Pakistan; provided that the consent of such other University is first obtained.

5. **University open to all.**—The University shall be open to persons of either sex of whatever religion, creed, caste, race, class, colour or domicile, who are academically qualified for admission to the courses of study offered by the University, and no such person shall be denied the privileges of the University on the ground of sex, religion, creed, caste, race, class, colour or domicile.

6. **Powers of the University.**—The University shall have the powers to:

(i) provide for education and scholarship in such branches of knowledge as it may deem fit, and to make provision for research, service to society and for the application, advancement and dissemination of knowledge in such manner as it may determine;

(ii) prescribe courses of studies to be conducted by it, colleges and intuitions;

(iii) hold examinations and to award and confer degrees, diplomas certificates and other academic distinctions to and on persons who have been admitted to and have passed its examinations under prescribed conditions;

(iv) prescribe the terms and conditions of employment of the Officers, Teachers and other employees of the University and to lay down terms and conditions that may be different from those applicable to Government servants in general;

(v) engage, where necessary, persons on contracts of specified duration and to specify the terms of such engagement;

(vi) confer honorary degrees or other distinctions on approved persons in the prescribed manner;
provide for such instruction for persons not being students of the University as it may prescribe, and to grant certificates and diplomas to such persons;

institute programmes for the exchange of students and teachers between the University and other universities, educational institutions and research organizations, inside as well as outside Pakistan;

provide career counseling and job search services to students and alumni;

maintain linkages with alumni;

develop and implement fund-raising plans;

provide and support the academic development of the Faculty;

confer degrees on persons who have carried on independent research under prescribed conditions;

affiliate and disaffiliate educational institutions under prescribed conditions;

Inspect colleges and institutions affiliated or seeking affiliation with it;

accept the examinations passed and the period of study spent by students of the University at other universities and places of learning equivalent to such examinations and periods of study in the University, as it may prescribe, and to withdraw such acceptance;

coopoperate with other universities, public authorities or private organizations, inside as well as outside Pakistan, in such manner and for such purposes as it may prescribe;

institute Professorships, Associate Professorships, Assistant Professorships and Lecturerships and any other posts and to appoint persons thereto;

create posts for teaching, research, extension, administration and other related purposes and to appoint persons thereto;

recognize selected members of the teaching staff of affiliated colleges or affiliated institutions admitted to the privileges of the University or such other persons as it may deem fit, as University teachers;

institute and award financial assistance to students in need of fellowships, scholarships, bursaries, medals and prizes under prescribed conditions;

establish teaching departments, schools, colleges, faculties, institutes, campuses, museums and other centers of learning for the development of teaching and research and to make such arrangements for their maintenance, management and administration as it may prescribe;
provide for separate residences of the students of the University and the constituent colleges for male and female constituent;

maintain order, discipline and security on the campuses of the University, constituent colleges and constituent institutions;

promote the extra curricular and recreational activities of such students, and to make arrangements for promoting their health and general welfare;

demand and receive such fees and other charges as it may determine;

make provision for research, advisory or consultancy services and with these objects to enter into arrangements with other institutions, public or private bodies, commercial and industrial enterprises under prescribed conditions;

enter into, carry out, vary or cancel contracts;

receive and manage property transferred and grants, contributions made to the University and to invest any fund representing such property, grants, bequests, trusts, gifts, donations, endowments or contributions in such manner as it may deem fit;

provide for the printing and publication of research and other works; and

to do all such other acts and things, whether incidental to the powers aforesaid or not, as may be requisite or expedient in order to further the objectives of the University as a place of education, learning, and research.

7. **Teaching and Examinations.**—(1) All recognized teaching in various courses in the University, affiliated colleges and affiliated institutions shall be conducted in the prescribed manner, and it may include lectures, tutorials, discussions, seminars, demonstrations as well as practical work in laboratories and workshops and other methods of instructions including, but not limited to, voices, graphics, text, dynamic, content, and data structures of all types whether they are in electronic, visual, auditory, optical or any other form.

(2) The teaching in any prescribed course in the University, colleges and institutions shall be organized by such Authority as may be prescribed.

(3) The courses and the curricula for teaching in the University, colleges and institutions shall be such as may be prescribed.

(4) A discipline to be called "Islamic and Pakistan Studies" shall be offered, as a compulsory subject at the Bachelor's level, in the University, colleges and institutions; provided that non-Muslim students may opt for "Ethics and Pakistan Studies".

(5) The University may associate and engage external examiners not employed by the University for conduct of examinations or evaluation of candidates as and when necessary.

(6) The degree, diploma or certificate at the University shall only be granted to a student after he has fulfilled the prescribed requirements for the same.
(7) In the performance of his functions under this Act, the Chancellor shall act in the same manner as the Governor of the Khyber Pakhtunkhwa acts under Article 105 of the Constitution of the Islamic Republic of Pakistan.

10. **Removal from the Senate.** (1) The Chancellor may, upon the recommendations of the Senate, remove any person from the membership of the Senate.

(2) The Chancellor shall remove any person, except the Vice-Chancellor, from the membership of the Senate on a resolution calling for the removal of such person supported by at least three-fourths of the membership of the Senate:

Provided that before passing such resolution the Senate shall provide the member concerned a fair hearing.

11. **Vice-Chancellor.** (1) There shall be a Vice-Chancellor of the University who shall be an eminent academician, a distinguished administrator or a former public office-holder and shall be appointed on such terms and conditions as may be prescribed.

(2) The Vice-Chancellor shall be the chief executive officer of the University responsible for all administrative and academic functions of the University and for ensuring that the provisions of this Act, Statutes, Regulations and Rules are faithfully observed in order to promote the general efficiency and good order of the University. The Vice-Chancellor shall have all powers prescribed for this purpose, including administrative control over the Officers, Teachers and other employees of the University.

(3) The Vice-Chancellor may, in an emergency that in his opinion requires immediate action, ordinarily not in the competence of the Vice-Chancellor, take such action and forward, within seven days, a report of the action taken to the members of Emergency Committee of the Senate, to be set up by the Statutes. The Emergency Committee may direct such further action as is considered appropriate:

Provided that such action of the Vice Chancellor shall be subject to the final approval of the relevant authority in its next meeting:

Provided further that the Vice Chancellor shall not perform any legislative act of making Statutes, Regulation and Rules by exercising his emergency powers under this section.

(4) The Vice-Chancellor shall, if present, be entitled to attend any meeting of any Authority or body of the University.

(5) The Vice-Chancellor shall also have the powers to-

(a) direct Officers, Teachers and other employees of the University to take up such assignments in connection with examination, administration and such other activities in or for the University as he may consider necessary for the purposes of the University;

(b) sanction by re-appropriation an amount not exceeding an amount prescribed by the Senate for an unforeseen item not provided for in the budget and report it to the Senate in the next meeting;

(c) create, re-designate and fill contract, temporary posts for a period not exceeding one year;
(d) make appointments of employees of the University in BPS-1 to 16 in such manner as may be prescribed by the Statutes. All such appointments should be reported to Syndicate during its next meeting;

(e) suspend, punish and remove, in accordance with prescribed procedure, from service, the Officers, Teachers and other employees of the University;

(f) delegate, subject to such conditions as may be prescribed, any of his powers under this Act to an officer of the University;

(g) appoint examiners or reviewers and paper setters for all examinations of the University on the recommendations of the relevant Boards of Studies of Department and constituent institutions;

(h) appoint foreign and local referees for evaluation of candidates for faculty positions from the panel of names recommended by the Syndicate; and

(i) exercise and perform such other powers and functions as may be prescribed.

(6) The Vice-Chancellor shall preside at the Convocation of the University in the absence of the Chancellor and the Pro-Chancellor.

(7) The Vice-Chancellor shall present an annual report before the Senate within three months of the closure of the academic year. The annual report shall present such information as regards the academic year under review as may be prescribed, including disclosure of all relevant facts pertaining to the following namely:-

(a) academics;
(b) research;
(c) administration; and
(d) finances.

(8) The Vice-Chancellor's annual report shall be made available, prior to its presentation before the Senate, to all Officers and teachers and shall be published in such numbers as are required to ensure its wide circulation.

12. Appointment and Removal of the Vice-Chancellor.—(1) The Vice-Chancellor shall be appointed by the Chancellor, on advice of Government, from a panel of three candidates proposed by the Search Committee.

(2) A Search Committee for the recommendation of persons suitable for appointment as Vice-Chancellor shall be constituted by Chancellor and shall consist of-

(a) the Minister for Higher Education of the Khyber Pakhtunkhwa, who shall be Convener of the Search Committee;

(b) the chairman of relevant Standing Committee of the Provincial Assembly of Khyber Pakhtunkhwa;

(c) the Chief Secretary, Government of the Khyber Pakhtunkhwa;

(d) three eminent members of the society, with experience in education, administration or social work;
(e) two eminent educationists;

(f) the Secretary of the relevant Administrative Department of the Government; and

(g) the Secretary to the Government, Higher Education, Archives and Libraries Department.

(3) The members mentioned in clauses (d) and (e) of sub-section (2) shall be nominated by the Chancellor while the members mentioned in clauses (a), (b), (c), (f) and (g) shall be members of the Search Committee by virtue of their offices.

(4) The Search Committee shall remain in existence till such time as a new Vice-chancellor is appointed by the Chancellor.

(5) The Vice-Chancellor shall be appointed for a renewable tenure of four years on terms and conditions prescribed by Statutes. The tenure of an incumbent Vice-Chancellor may be renewed by the Chancellor on the basis of his performance and on receipt of a resolution of the Senate in support of such renewal:

Provided that the Chancellor may call upon the Senate to reconsider such resolution once.

(6) Where the Chancellor is of the view that the Vice-Chancellor should be removed, he may make a reference to the Senate stating the instances of inefficiency, moral turpitude or physical or mental incapacity or gross misconduct on the part of the Vice-Chancellor that have come to his notice. After consideration of the reference the Senate shall, pursuant to a resolution in this behalf passed by two-third of its membership, recommend to the Chancellor the removal of the Vice-Chancellor:

Provided that prior to a resolution for the removal of the Vice-Chancellor being voted upon, the Vice-Chancellor shall be given an opportunity of being heard.

(7) The Senate may pursuant to a resolution in this behalf passed by two-thirds of its membership, recommend to the Chancellor, the removal of the Vice-Chancellor on the ground of inefficiency, moral turpitude or physical or mental incapacity or gross misconduct including misuse of position for personal advantage of any kind.

(8) At any time when the office of the Vice-Chancellor is vacant, or the Vice-Chancellor is absent or is unable to perform the functions of his office due to illness or some other cause, the Chancellor shall, within fifteen days, make such arrangements for the performance of the duties of the Vice-Chancellor as he may deem fit.

13. **Registrar**—(1) There shall be a Registrar of the University who shall be the Principal Administrative Officer of the University.

(2) The Registrar shall be appointed by the Syndicate, on recommendation of the Selection Board, or by deputation from amongst the Officers or Teachers in BPS-19 or above.

(3) The experience as well as the professional and academic qualifications necessary for appointment to the post of the Registrar shall be such as may be prescribed.

(4) The Registrar shall be full time officer of the University and shall—
act as Secretary of the Senate, Syndicate, Academic Council, Selection Board and such other authorities, bodies and committees as prescribed by or under this Act;

(b) subject to the decision of authorities, he shall have the power to enter into agreements, sign documents and authenticate records on behalf of the university;

(c) be the custodian of records, the common seal and such other property of the University as the Syndicate may commit to his charge;

(d) conduct elections to various authorities in a manner prescribed by statutes;

(e) to prepare and update the Handbook of Statutes, Regulations and Rules approved by authorities, bodies or committees from time to time, and make them available to public, all respective members of the authorities and officers of the university; and

(f) exercise such other powers and perform such other duties as prescribed by or under the Act or assigned to him, from time to time, by the Vice-Chancellor.

(5) The term of office of the Registrar shall be three and may be renewed from time to time:

Provided that the Syndicate may, on advice of the Vice-Chancellor, terminate the appointment of the Registrar on grounds of inefficiency or misconduct, in accordance with the prescribed procedure, before completion of his tenure.

14. Treasurer.—(1) There shall be a Treasurer of the University and shall be appointed by the Syndicate, on recommendation of the Selection Board, or by deputation from amongst the Officers or Teachers in BPS-19 or above, on such terms and conditions as may be prescribed:

(2) The experience and the professional and academic qualifications necessary for appointment to the post of the Treasurer shall be such as may be prescribed.

(3) The Treasurer shall—

(a) manage the assets, liabilities, receipts, expenditures, funds and investments of the University;

(b) prepare the annual and revise budget estimates of the University and present them to the Syndicate or a committee thereof for approval and Incorporation in the budget to be presented to the Senate;

(c) ensure that the funds of the University are expended on the purposes for which they are provided;

(d) have the account of the University audited annually so as to be available for submission to the Senate within six months of the close of the financial year; and

(e) perform such other duties as may be prescribed.

(4) The term of office of the Treasurer shall be three years and may be renewed from time to
Provided that the Syndicate may, on advice of the Vice-Chancellor, terminate the appointment of the Treasurer on grounds of inefficiency or misconduct, in accordance with the prescribed procedure.

15. **Controller of Examinations.**—(1) There shall be a Controller of Examinations, and shall be appointed by the Syndicate on the recommendation of selection Board, or by deputation from amongst the Officers/Teachers in BPS-19 or above, on such terms and conditions as may be prescribed.

(2) The Controller of Examinations shall be a full time officer of the University and shall be responsible for all matters connected with the conduct of examinations and perform such other duties as may be prescribed.

(3) The term of office of the Controller of Examinations shall be three years and may be renewed from time to time:

Provided that the Senate may, on the advice of the Vice-Chancellor, terminate the appointment of the Controller of Examinations on grounds of inefficiency or misconduct in accordance with prescribed procedure.

16. **Auditor.**—(1) There shall be an Internal Auditor of the University to be appointed by the Syndicate, on such terms and conditions as may be determined by it.

(2) The Internal Auditor shall be responsible for pre-auditing of all bills and documents for all payments to be made by the University.

17. **Other Officers.**—Subject to the provisions of this Act, the terms and conditions of service and the powers and duties of other officers of the University shall be such as may be prescribed.

**CHAPTER IV
AUTHORITIES OF THE UNIVERSITY**

18. **Authorities.**—(1) The following shall be the Authorities of the University:

(a) Authorities established by this Act—

(i) The Senate;

(ii) The Syndicate;

(iii) The Academic Council; and

(b) Authorities to be established by the Statutes—

(i) Boards of Faculties;

(ii) Boards of Studies;

(iii) Selection Board;

(iv) Advance Studies and Research Board;

(v) Finance and Planning Committee;

(vi) Affiliation Committee;

(vii) Discipline Committee for Students; and

(viii) such other authorities as may be prescribed.

19. **Senate.**—(1) The Senate shall consist of the following:

(a) the Chancellor who shall be the Chairperson of the Senate;

(b) the Pro-Chancellor;